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Patent
Attorney Docket No. GEMS8081.195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Patch, Sarah K.
Serial No. : 10/800,957
Filed : March 15, 2004
For : METHOD AND SYSTEM OF THERMOACOUSTIC COMPUTED
TOMOGRAPHY
Group Art No. : 3737
Examiner : Elmer M. Chao

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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Date: November 15, 2010

/Robyn L. Templin/
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RESPONSE TO EXAMINER INTERVIEW SUMMARY

Dear Sir:

On October 7, 2010, Appellant received a voicemail from the Examiner regarding the current case under Appeal. The undersigned returned the telephone call on October 12, 2010 and did not agree to claim amendments proposed by the Examiner. The Examiner prepared an Examiner Interview Summary dated October 21, 2010 and the Examiner subsequently called the undersigned on at least October 22, 2010 and October 28, 2010. In the discussions with the Examiner, the Examiner expressed that the claims were "too short" to be allowed.

In the Examiner's Interview Summary dated October 21, 2010, the Examiner summarized aspects of the discussion of October 12, 2010 that were inaccurate. In one example, the Examiner incorrectly stated, "Applicant's representative reiterated arguments expressed in the Appeal Brief filed 4/26, 2010, emphasizing the point that the secondary reference Bae et al. would be used linearly to add the feature of interpolation only during reconstruction rather than reconstructing after the second TCT dataset is generated." *Examiner's Interview Summary*, 10/12/2010 (emphasis added). In another example the Examiner incorrectly stated, "Applicant's representative went on to Explain that 'inadmissible transducer locations' as described by the Specifications and as shown in fig. 1 would not involve transducer locations in the bottom hemisphere but only from the top hemisphere where an imaging bowl does not currently exist since space is taken up by the patient resting on the imaging bowl with a breast placed inside the imaging bowl for imaging." *Id* (emphasis added).

In the subsequent discussion on October 22, 2010, Appellant made clear to the Examiner that no such assertions were made and that during the conversations, Appellant was reading *verbatim* from the Specification and from the Appeal Brief. That is, Appellant made no assertion that the secondary reference Bae et al. would be used to linearly add the feature of interpolation only during reconstruction, and Appellant made no assertion that inadmissible transducer locations would not involve locations only from the top hemisphere. In response, the Examiner agreed with Appellant and stated that such statements should not have been made in the Interview Summary prepared by the Examiner.

In all telephone conversations with the Examiner, Appellant expressly relied solely on that taught in the Specification and argued in the Appeal Brief, and included no further limitation related to interpolation/reconstruction, positions of inadmissible transducer locations, or other limitations beyond that which is already on the record.

Respectfully submitted,

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Dated: November 15, 2010
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